

### REMARKS

The above-identified patent application has been amended and Applicants respectfully request the Examiner to reconsider and again examine the claims as amended.

Claims 1-15, 17, 19, 20, and 24-29 are pending in the application. Claims 1-15, 17, 19, 20, and 24-29 are rejected. Claims 1, 8, and 15 are amended herein to correct errors of form, and not for reasons of patentability, as will be apparent.

#### The Rejections under 35 U.S.C. §112, First Paragraph

The Examiner rejects Claims 1-15, 17, 19, 20, and 24-29 under 35 U.S.C. §112, first paragraph, as containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Examiner uses the specification at page 8, line 29 to page 9, line 17 to assert that it is not described in the specification that the claimed application programming interface (API) receives and processes “two-dimensional scene graph object commands” as claimed. Applicant respectfully disagrees.

The specification at page 8, line 29 to page 9, line 17 states:

Referring now to FIG. 2, in accordance with the present invention, a system 30 that utilizes two-dimensional (2D) scene graph display commands 36a-36b provided by a software application 32 is shown. In this example, a button 32 (including associated text) is represented by scene graph display commands 36a, 36b. **One or more “create” commands 36b generate a scene graph data object corresponding to the button 34. The one or more “create” commands are received by an API 38a which, in conjunction with CPU 38b, transforms the one or more “create” commands to scene graph data corresponding to a button object, and stores the button object to a scene graph 38d.** Once the

button object is stored to the scene graph 38d, **the button object can be invoked by a single render display command 36a.** The button object can be invoked any number of times by respective "render " commands in order to display any number of respective button images on the monitor 38e. This is in contrast to the prior art approach of FIG. 1 in which multiple primitive "paint" commands are required to display each button. [emphasis added]

In the above specification paragraph, one of ordinary skill in the art will recognize the "create" command to be an exemplary "two-dimensional scene graph object command" as claimed and will further recognize the "render" command to be an exemplary "two-dimensional scene graph display command" as claimed. Both are "two-dimensional scene graph commands" as claimed, and both can be received and processed by the claimed API.

In operation, as described in the above specification paragraph, the create command can be received and processed by the API, which responds by generating and storing in memory a particular "two-dimensional object" (a data object) representative of information within the particular create command (here, e.g., a button data object). One or more such data objects can be included within a stored "scene graph." Also, in operation, the render command can be received and processed by the API, which responds by retrieving from the memory the two-dimensional object (data object) specified by the particular render command and rendering the two-dimensional object as a two-dimensional image on a display (here, e.g., a button image).

The Examiner also uses the specification at page 12, line 19 to page 13, line 7 and at page 14, line 26 to page 16, line 2 to assert that it is not described in the specification that the claimed application programming interface (API) receives and processes "two-dimensional scene graph object commands" as claimed. Again, Applicant respectfully disagrees. The two specification paragraphs identified by the Examiner presume that at least one two-dimensional object (data object) must be present in a "scene graph" stored in memory in order for the API to properly subsequently receive and process a "two-dimensional scene graph display command," which results in the API rendering the two-dimensional object as a two-dimensional image on a display. The two specification paragraphs clearly presume that the at least one two-dimensional object

stored in memory is first received and processed by the API in conjunction with a “two-dimensional scene graph object command” in the way described at page 12 and recited above, which results in the storage of a corresponding two-dimensional object (data object).

In view of the above, Applicants submit that the rejection of Claims 1-15, 17, 19, 20, and 24-29 under 35 U.S.C. §112, first paragraph, should be removed.

The Rejections under 35 U.S.C. §112, Second Paragraph

The Examiner rejects Claims 1-15, 17, 19, 20, and 24-29 under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner asserts that, in Claim 1 (an similarly in Claim 8), the recited steps of “generating” at line 7 and “generating “ at line 19 conflict with the recited step of “processing” at lines 4-5. Applicant respectfully submits that the Examiner has misquoted the claim language.

Claims 1 recites “...providing an application programming interface associated with a three-dimensional graphics module, the application programming interface to process two-dimensional scene graph commands including at least one of two-dimensional scene graph object commands or two-dimensional scene graph display commands; generating at least one two-dimensional scene graph object command to create a respective at least one two-dimensional object; receiving the at least one two-dimensional scene graph object command with the three-dimensional graphics circuit module; generating two-dimensional scene graph data with the three-dimensional graphics circuit module in accordance with the receiving the at least one two-dimensional scene graph object command, the two-dimensional scene graph data including the at least one two dimensional object... .” [portions used by the Examiner emphasized]

The language of Claim 1 does not recite “processing” at lines 4-5 as suggested by the Examiner, but instead recited “to process,” which Applicant submits renders the claim clear.

Nevertheless, Applicants do not agree that generating and processing would be conflicting elements, if those were claimed. A software structure can both generate a command and process the same command. However, the Examiner presumes that the claimed API does both generating and processing, when that is not recited in the claim. Software other than the API can do the generating [the] at least one two-dimensional scene graph object command, and the API can process the command. Similarly, software other than the API can do the generating [the] at least one two-dimensional scene graph display command, and the API can process the command. Exemplary operation of the claimed API is described above.

The Examiner also asserts that, in Claim 1 (and similarly in Claims 8 and 15), at lines 5-6, the alternative language conflicts with recitations in the remainder of the claim that discuss both elements of the alternative language. Though Applicant believes that this claim form is proper, Applicant has amended Claim 1 (and similarly Claims 8 and 15) to remove the alternate language, in order to move the case forward.

The Examiner identifies that, in Claims 1 and 8, the antecedent basis for the claimed three-dimensional circuit module is incorrect. Claims 1 and 8 are amended herein to correct the antecedent basis.

In view of the above, Applicants submit that the rejection of Claims 1-15, 17, 19, 20, and 24-29 under 35 U.S.C. §112, second paragraph, should be removed.

In view of the above Amendment and Remarks, Applicants submit that the claims and the entire case are in condition for allowance and should be sent to issue and such action is respectfully requested.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Respectfully submitted,

Dated: Oct 25, 2007

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: Kermit Robinson  
Kermit Robinson  
Reg. No. 48,734  
Attorney for Applicant(s)  
354A Turnpike Street - Suite 301A  
Canton, MA 02021-2714  
Tel.: (781) 401-9988, Ext. 124  
Fax: (781) 401-9966  
*kr@dc-m.com*